IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 233 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHASHIKANT AMBALAL PUROHIT

Versus

ARUNABEN CHHAGANLAL CHAUHAN

Appearance:

MR NK MAJMUDAR for Petitioner No. 1-2

MR GM JOSHI for Respondent No. 1

RULE NOT RECD BACK for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 23/12/2002

ORAL JUDGEMENT

1. This is a revision application under section 115 of Code of Civil Procedure wherein the applicant is the original defendant and the respondent is the original plaintiff. The respondent-plaintiff had filed Regular

Civil Suit No.100/98 in the Court of Civil Judge (Senior Division), Bharuch, wherein the plaintiff had also filed an application Exh.5 for an injunction for restoration of possession to the plaintiff. The trial court rejected the said application against which the respondent-plaintiff preferred an appeal under Order 43, Rule 1, CPC, being Civil Misc. Appeal No.110/98 before the District Court, Bharuch. The District Court by its judgement and order allowed the said appeal. It is this judgement and order which is the subject matter of the present revision at the instance of the original defendants.

2. It is obvious that by virtue of section 115, CPC as amended by the Amendment Act of 1999, this revision is not maintainable. This revision is, therefore, dismissed and rule is discharged with no order as to costs. Interim relief stands vacated.

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